

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

NIGEL FREDERICKS,

Plaintiff,

-against-

JAMES L. COTT; ANALISA TORRES,

Defendants.

25-CV-4581 (LTS)

ORDER

LAURA TAYLOR SWAIN, Chief United States District Judge:

By order dated June 4, 2025, the Court dismissed this action without prejudice under the “three strikes” rule of the Prison Litigation Reform Act, 28 U.S.C. § 1915(g). (ECF 3.) On June 5, 2025, the Clerk of Court entered a civil judgment. (ECF 4.) On June 13, 2025, after this action was dismissed and judgment was entered, the court’s Finance Department received from Plaintiff payment of the fees to bring this action. Payment of the fees to bring this action that is received after this action has been dismissed is not a ground for the Court to reopen this action. The Court therefore directs the Clerk of Court to return payment of the fees to Plaintiff. This action remains closed.

The Court dismissed this action without prejudice. Nothing in the Court’s order of dismissal or Section 1915(g) prevents Plaintiff from refiling this action and paying the filing fees at the time he refiles the complaint. If Plaintiff refiles this action along with the filing fees, the complaint will be reviewed under 28 U.S.C. § 1915A, which requires the court to dismiss any civil rights complaint from a prisoner if it “(1) is frivolous, malicious, or fails to state a claim on which relief may be granted; or (2) seeks monetary relief from a defendant who is immune from such relief.” 28 U.S.C. § 1915A(b).

CONCLUSION

The Court directs the Clerk of Court to return payment of the fees to Plaintiff. This action remains closed.

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith, and therefore *in forma pauperis* status is denied for the purpose of an appeal. *Cf. Coppedge v. United States*, 369 U.S. 438, 444-45 (1962) (holding that an appellant demonstrates good faith when he seeks review of a nonfrivolous issue).

SO ORDERED.

Dated: June 17, 2025
New York, New York

/s/ Laura Taylor Swain
LAURA TAYLOR SWAIN
Chief United States District Judge